

**Meeting between Barking Reach Residents Association (BRRA), Barking Riverside Limited (BRL)
and Pinnacle Places**

Wednesday, 25th September 2019 at BRL Offices, Fielders Crescent, Barking, 7:30pm

Present: Pam Ross (BRL), Julian Barnett (Pinnacle), Pete Mason (chair, BRRA), Nuno Amorim (secretary, BRRA), and Venilia Amorim (treasurer, BRRA), Cassandra Zinelli, partner at PM Legal Services, Doncaster

Minutes of last meeting

The minutes of the last meeting were reviewed. Pete noted that the comments made to the draft the association made were accepted and the final version should be sent to Pam. Pam displayed an action plan to put into practice the agreed items from the last meeting.

Other matters not on the agenda to be raised:

Meeting of all stakeholders

Venilia asked if a meeting should be held with all stakeholders present. Pete stated that previously when meeting Matt Carpen, in addition to estate matters issues with Adriatic owned properties were discussed, so that every so often as Venilia proposed, a meeting of all parties would be useful. Pam agreed to look into it. Julian was willing to meet with the RA to deal with matters outside of the estate dealt with at this meeting, e.g. with the blocks they manage. Pam proposed that the RA meets separately with RMG. Pete stated the RA already does this from time to time.

Wood cladding on estate

Pete stated that the association had not had a reply to the email sent to Matt Carpen on the morning after the Clapton fire. Pam stated that the RA would get a reply shortly and that there would be a monthly newsletter coming out on the 4th October which would address the issue.

Right to Manage

Venilia asked whether BRL had any comments to make on Right to Manage. Pam said that was an issue for the relevant landlords.

Recognition of existing residents' association

Cassandra Zinelli stated that legal recognition imposes rights that are intermediate between an unrecognized association and Right to Manage, where leaseholders may appoint a managing agent.

Cassandra put forward the legal opinion that there is no statutory requirement for BRL to recognise BRRA.

The legal argument put forward was that a residents' association representing residents who live in blocks of flats where a service charge is paid to a landlord has a clear legal identity dealt with by the law. However, BRRA is in a different situation not clearly covered by the laws governing recognition. BRRA is asking for recognition from BRL to whom residents pay an estate charge rather than a full service charge.

For this reason, Cassandra proposed on behalf of BRL that they 'mirror' the legal path to recognition which is applicable to the case with blocks of flats.

The questions that will be asked will be sent to Pam to forward to us. They include, following the 2018 law:

1. Composition of membership – who are members according to the constitution;
2. Rules regarding decision making – the constitution;
3. Voting procedures;
4. Fees and charges and transparency regarding these;
5. Whether the constitution is fair and equitable;
6. Whether the association is independent;
7. The procedure of the election of officers;
8. If the constitution can be amended and how;

9. If the finances are transparent and how the RA is funded;
10. If the association is open and transparent.

(Excerpt from the law appended)

BRL would look to a 50% leaseholder qualifying criteria as per current legislation, taking into account the Tenants' Associations (Provisions Relating to Recognition and Provision of Information) (England) Regulations 2018 act, which are regulations in exercise of the powers conferred by sections 29(5)(b) to (d) and (6) and 29A of the Landlord and Tenant Act 1985 and deal specifically with recognition of tenants associations—the term 'tenants' being understood to encompass leaseholders. These set in law the 50% qualification whereas previously it was less well defined and could be interpreted as 60%.

Pam pointed out that the advantage of recognition is that the law prevents a second residents association being recognised if one is already recognised in the area covered.

The law now requires landlords to “provide known information about relevant qualifying tenants who are not members of the association.”

It was asserted that BRRA must limit members to the BRL boundaries. Pete stated that the BRRA has always represented members in a wider area. It was asserted by BRL that a recognised residents association is defined by a set of service charge payers.

Pete stated that in suing for recognition from Adriatic, it would not be meaningful for Adriatic to demand that the RA limited its members to its service charge payers.

BRL would look to only recognising BRRA in the first phase of the Barking Riverside development, with each of the four phases having their own RA.

Membership is decided by ownership—it is the leaseholders who are recognised as members as far as legal recognition is concerned although this is not an argument in favour of restricting the attendance or participation of tenants in the association.

Other matters

The estate service charge was not yet ready. The deadline was 4th October. Pam suggested a meeting with BRRA dedicated to discussing the service charge mid-month, but she is already looking into specific cases regarding historical service charges.

Julian is working the weekend of 5-6th October, exact day to be decided.

Parking Enforcement

A car parking drop-in session has been pencilled in for 19th or 26th October.

Pete raised about parking on Minter Road, that he had corresponded with Laura Cravitz since residents find visitors constantly parking in their bays, and are proposing that 'Private, Residents Only' should be painted on the bays, or similar. That Laura had said that these bays were BRL property and that she would raise it with Pam. Pam reported that there had been no reports from Laura of difficulties with these bays. Pam stated there were fewer bays than residents' dwellings, and some flats may have more than one car.

Parking at and around the schools, and drop off points, was discussed.

Flower boxes to block cars and other vehicles from entering the cycle lane and pavement on Galleons Drive are being costed. Some are already placed near the Riverside School to prevent cars from endangering children.

Signage

Signs as per last meeting minutes have been drafted but they are too large and will be remodelled.

Security

On security, BRL is also speaking with schools to address anti-social behaviour.

Barbeques

Areas have been defined away from buildings to avoid noise interference with blocks. A drop-in session for this has also been pencilled in for 19th or 26th October.

Protest

The protest organised by residents and supported by BRRA for Saturday 28th September was acknowledged.

Appendix

Excerpt from the 2018 law:

Matters to which regard must be had by the First-Tier Tribunal in giving a certificate. The First-Tier Tribunal must, in particular, have regard to the following matters in giving a certificate of recognition:

- (a) the composition of the membership of the tenants' association;
- (b) the tenants' association's rules regarding membership, including whether tenants who are not qualifying tenants are entitled to become members;
- (c) the tenants' association's rules regarding decision making;
- (d) the tenants' association's rules regarding voting;
- (e) the extent to which any fees or charges payable in connection with membership of the tenants' association apply equally to all members;
- (f) the extent to which the constitution of the tenants' association takes account of the interests of all members;
- (g) the extent to which the tenants' association is independent of the landlord of the dwellings to which the association relates;
- (h) whether the tenants' association has a chairperson, secretary and treasurer;
- (i) whether the constitution of the tenants' association may be amended by resolution of the members and the rules regarding amendment;
- (j) whether the tenants' association's constitution, accounts and list of members are—
 - (i) kept up to date; and
 - (ii) available for public inspection;
- (k) the extent to which the association operates in an open and transparent way.